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condition. If the former, the title of the lease should be in the bankrupt corporation. *In re Pennewell*, 119 Fed. 139; *Hague v. Ahrens*, 53 Fed. 58. If the latter, the notice of forfeiture given by the lessors divested the estate in the corporation, and the result reached in the case is correct.

LAW OF NATIONS—SEIZURE AND SALE OF ENEMY MERCHANT SHIP EXTINGUISHES PRIOR LIEN.—The *Nyanza* (Esslingen), a German merchant ship, arrived at Manilla on the 9th of August, 1914, carrying a cargo belonging to libelant, a French national. Upon demand of libelant's Manilla agent the master refused to deliver the cargo, and subsequently allowed the ship to be interned by the United States government. Libelant recovered a judgment against the owners, for loss of cargo, and attached the ship. After the United States entered the war the ship was seized and, by authority of Congress and the President, turned over to the United States Shipping Board. Under authority of the Act of Congress of June 5, 1921, it was sold to the claimant "clear of all claims or liens." Libelant sought to enforce the admiralty lien and the lien obtained by attachment. *Held*, that seizure and sale operated to cut off claims against the ship. *The Nyanza* (D. C., E. D., N. Y., 1921), 276 Fed. 415.

The right of a belligerent to seize and condemn as prize an enemy merchant ship found in the belligerent's port at the outbreak of war is almost undisputed. *The Marie Leonhardt* [1921], P. 1; *The Thalia*, 2 Russ. and Jap. P. C. 116; HALLECK'S INT. LAW, 4th ed., II, 96; 20 MICH. L. REV. 114. The condemnation proceedings may take place even after peace is concluded. *The Blonde and Other Ships* [1921], P. 155; 20 MICH. L. REV. 113. In determining the national character of a ship, courts of prize generally look only to the legal title. A *bona fide* sale of a ship by an enemy, *imminente bello* or *flagrante bello*, is valid. *The Ariel*, 11 Moo. P. C. C. 119; *The Edna* [1919], P. 157. If the ship comes into the possession of the purchaser before seizure the sale is valid, although made *in transitu*. *The Baltica*, 11 Moo. P. C. C. 141. But mortgages and liens are generally disregarded in prize courts, even when created in good faith. *The Hampton*, 5 Wall. 372; *The Mirianna* (1805), 6 C. Rob. 24. In *The Tobago* (1804), 5 C. Rob. 218, a bottomry bond had been acquired by a national subject, in good faith, before the outbreak of war. In condemning the captured ship, and refusing the national's claim, the court said that "he [the national] acquires the *jus in [ad?] rem*, but not the *jus in re*, until it has been converted and appropriated by the final process of a court of justice. * * * If there is no change of property there can be no change of national character." Likewise, where the lien is on a neutral ship, in favor of an enemy, the ship cannot be condemned as prize, even *pro tanto*. *The Ariel*, *supra*. A limited class of liens may give a *jus in re*. *The Frances*, 8 Cr. 418; HALLECK'S INT. LAW, 4th ed., II, 115. Although reaching a harsh result, upon principle of international law the instant case is correctly decided. The libelant might look to the generosity of the captor for compensation.